

JUL 03 2013

AGENDA
WILLIAMSTOWN BOARD OF SELECTMEN
July 8, 2013
7:00 P.M.

TOWN CLERK

11:58 am

1. CHAIRMAN'S OPENING STATEMENT

2. SELECTMEN'S MINUTES: June 24, 2013

3. PUBLIC HEARING

A. 7:05 PM - Request from Kara Group, LLC, d/b/a PERA Mediterranean Bistro, 60 Spring Street, Fahri Karakaya, Owner, for an Annual All Alcoholic Beverage Restaurant License.

4. LICENSES AND PERMITS

A. Request from Kara Group, LLC, d/b/a/ PERA Mediterranean Bistro, 60 Spring Street, Fahri Karakaya, Owner, for a Common Victualer License and Background Music License.

B. Request from The President and Trustees of Williams College, Robert Volpi, Manager, for two All Alcohol One-Day Temporary Liquor Licenses:

i. Friday, July 26, 2013, at Mt. Hope under a tent, from 5 pm to 12 midnight for an Alumni Guest Golf

ii. Saturday, July 27, 2013, at Mt. Hope under a tent, from 5 pm to 12 midnight for an Alumni Guest Golf

5. ITEMS FOR SELECTMEN'S CONSIDERATION

A. Block Party Corner of Longview Terrace/Stratton Road. (W. Penner)

B. Disclosure of Appearance of Conflict of Interest (Yamamoto) as required by G.L. c. 268A, §23(b)(3).

C. Request from Affordable Housing Committee to remove the conservation restrictions on all or portions of Lowry and Burbank and return the properties to the custody of the Board of Selectmen for the purposes of Affordable Housing. (Yamamoto).

D. Request to MEMA/FEMA for extension of deadline to vacate The Spruces from 90 days to October 30, 2015.

E. Public Safety Building Site Committee update (Patton)

F. Water and Sewer Warrant - \$285,858.17

6. PETITIONER'S REQUEST

7. OTHER BUSINESS

8. ADJOURN

Next Selectmen Meeting – Monday, July 22, 2013 at 7:00 p.m.

MINUTES
WILLIAMSTOWN BOARD OF SELECTMEN
JULY 8, 2013
7:00 P.M.

Present: Jane B. Allen, Chairman, Thomas E. Sheldon, Ronald Turbin, David A. Rempell, Jane Patton

Others Present: Wendy Penner, Cathy Yamamoto, Peter Fohlin, Ken Swiatek, Ann Skinner, Tela Zassloff, Jane Nichols, Kevin Kennefick, Suzanne Kempall, Bob Moses, Sara Thurston, Van Ellet

1. **CHAIRMAN'S OPENING STATEMENT** – Ms. Allen offered love & support to Tom Costeley, his wife Liz and the Overland family for the tragedy in Arkansas.
2. **SELECTMAN'S MINUTES:** June 24, 2013 – Mr. Turbin moved to approve the June 24, 2013 minutes with one amendment under Section E, inserting "agreement" in the second to last sentence. Tom Sheldon seconded. Motioned carried 5-0-0.
3. **PUBLIC HEARING:**
 - A. **7:05 PM** – Request from Kara Group, LLC, d/b/a Pera Bistro, 60 Spring St., Fahri Karakaya, Owner, for an Annual All Alcoholic Beverage Restaurant License. Mr. Karakaya pulled his application because he changed the Kara Group LLC to Ece Group LLC after the legal ad was posted. Ms. Patton moved to set a public hearing for a Request from Ece Group LLC, d/b/a Pera Bistro, 60 Spring Street, Fahri Karakaya, Owner, for an Annual All Alcoholic Beverage Restaurant License at 7:05 p.m. on July 22, 2013. Mr. Turbin seconded and the motion carried 5-0-0.
4. **LICENSES AND PERMITS:**
 - A. The request from Kara Group, LLC, d/b/a/Pera Mediterranean Bistro, 60 Spring Street, Fahri Karakaya, Owner, for a Common Victualer License and Background Music License was postponed to the July 22, 2013 due to the business going through a name change. Mr. Turbin moved to postpone. Mr. Sheldon seconded and the motion carried 5-0-0.
 - B. Request from The President and Trustees of Williams College, Robert Volpi, Manager, for two All Alcohol One-Day Temporary Liquor Licenses at Mt. Hope on July 26 and July 27, 2013 from 5 pm-12 midnight for Alumni Guest Golf events. Mr. Turbin moved to approve both temporary licenses. Mr. Rempell seconded and the motion carried 5-0-0.

5. ITEMS FOR SELECTMEN'S CONSIDERATION:

A. Block Party Corner of Longview Terrace/Stratton Road (Penner) for Sunday, July 21 from 4pm-8pm. Mr. Turbin moved to approve the request. Mr. Sheldon seconded and the motion carried 5-0-0.

B. Disclosure of Appearance of Conflict of Interest (Yamamoto) as required by G.I. c. 268A:23 -

Ms. Yamamoto submitted two disclosures. First stating her position as Treasurer of Higher Ground and the second, pursuant to 268A:19, the Disclosure of Financial Interest as relates to her service on the Affordable Housing Committee and as Treasurer of Higher Ground. No personal financial interests are involved, but since financial matters could impact both groups, the disclosure was presented to the Board. After some clarification of how the conflict might come into play, Mr. Turbin moved to accept both of the disclosures. Mr. Sheldon seconded and the motioned carried 5-0-0.

C. Request from the Affordable Housing Committee to remove the conservation restrictions on all or portions of Lowry and Burbank and return the properties to the custody of the Board of Selectman for the purposes of Affordable Housing -

Mr. Rempell recused himself from the discussion and vote as it had been determined by the Massachusetts Attorney General that Mr. Rempell, as an abutter to an abutter, might have personal financial implications. Before beginning the discussion, Chairman Allen stated "Prior to this agenda item I want to acknowledge that there are very strongly held positions on the Lowry property, and I want to assure everyone that all opinions will be presented and received in a respectful manner." Cathy Yamamoto, Chairman of the Affordable Housing Committee communicated the AHC voted unanimously to put this request before the Board, not because there are plans to build on Lowry or Burbank, but to move forward with researching the feasibility of the Lowry and Burbank properties for possible development of Affordable Housing. There was a lengthy discussion with many community members stating their views. Selectmen Turbin was strongly opposed to the request by the AHC. After much debate, Mr. Sheldon moved that the Board of Selectmen request that the Conservation Commission release from its' care, custody and management all or some portions of the Lowry and Burbank properties for affordable housing purposes on either a time-limited or open-ended basis. Ms. Patton seconded and the motion carried 3-1-1.

D. Request from MEMA/FEMA for extension of deadline to vacate The Spruces from 90 days to October 30, 2015 -

Mr. Fohlin explained how the Hazardous Mitigation Grant Program typically

works – normally what happens all of the grant money goes to the property owner to compensate them for their loss. In this instance, \$4.7 million will flow to Morgan Management. They have agreed to accept \$600,000. The remainder, \$4.1 million will go to the town of Williamstown, along with the park, so that the town can fulfill the requirements of the grant and re-house the present occupants of the Spruces by providing them with relocation expenses and so forth. Under that scenario, the property owner gets their money at the end, after all of the other conditions of the grant have been met. We have worked with MEMA/FEMA to collect the \$4.7 million up front, allowing us to give \$600,000 to Morgan Management right away, and use the \$4.1 million as working capital to do the job we need to do. The challenge is that FEMA requires a conservation easement on the property at the end of the process. In the way standard rules are written, the conservation easement must be put in place within 90 days after the former owner (Morgan) conveys the property. In this case, FEMA/MEMA understands the typical 90-day standard does not apply because there are still residents living in Spruces, we cannot practically re-locate them in 90 days and they have a legal right to stay there for 2 years. This creates the conflict between the FEMA regulations and the Manufactured Housing Act. After discussing this with FEMA, they have suggested the town submit the request to MEMA so that MEMA can forward the request back to FEMA explaining why the conservation easement cannot be put in place within 90 days of the town taking possession of the park and how that conflicts with the Manufactured Housing Act. FEMA's counsel can have a conversation with the MA Attorney General's office so they can understand the conflict between the two laws – the goal is for the FEMA regional director to authorize the extension of the 90 days, to a later date – presumably two years. Mr. Fohlin recommends the October 30, 2015 date to allow time for cleanup. This is an extraordinary accommodation from them in light of the conflict with the Manufactured Housing Act. Concerned that asking for two years due to the MHA, then asking for another six months on top of that, will not be perceived well. The MHA clock starts ticking when the park residents receive a notice of discontinuance which will not happen unless or until town takes ownership of the park after a special town meeting. Residents have a legal right to stay there for two years after the notice of discontinuance. He said there is no benefit to postpone the special town meeting vote because that will delay getting underway with the work necessary to meet the requirements of the grant. We have a 3-year window to work within, and 1 ½ years before that after the storm – virtually nothing can move forward on the grant until the park is transferred to the town. Mr. Rempell made a motion to make the request to MEMA/FEMA for an extension of the deadline to vacate the Spruces from 90 days to October 30, 2015. Mr. Turbin seconded and the motion carried 5-0-0.

Mr. Fohlin also said that MEMA sent a request that the Town complete a Federal Funding Accountability and Transparency Compliance Form. The form requests the congressional district the town resides in, and that we provide our nine-digit DUNS number. The form also asks the town to certify that the gross revenue of

the town does not exceed \$25 million. If it does, the town has to certify it does not get 80% of it from the Federal Government. Mr. Fohlin requests that the Board sign the form. Mr. Turbin moved that the Board sign the form. Mr. Sheldon seconded and the motion carried 5-0-0.

E. Public Safety Building Site Committee Update – Ms. Patton: The committee has met three times – twice formally, and on a site visit to the Police and Fire Departments. The committee is considering several sites and is doing preliminary research to determine site viability (i.e.: enough acreage). The committee is also considering the possibility of a combined Public Safety Building, and is reaching out to Village Ambulance as well to include them in discussions.

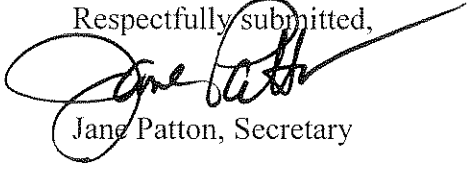
F. Water and Sewer Warrant - Mr. Rempell moved to approve the Water and Sewer Warrant for \$295,858.17. Mr. Turbin seconded and the motion carried 5-0-0.

6. **PETITIONER'S REQUEST:** None

7. **OTHER BUSINESS:**

A letter was sent by Time Warner Cable to customers stating the company is moving towards higher quality digital to provide a better picture, sounds and more robust internet speeds. This will affect residents starting about July 23, 2013 with local public, educational and government access programming delivery in digital format only. These channels will remain in customer's existing package however; they will only be viewable with digital equipment such as a TWC supplied digital set top box, digital adapter or cable card. Through September 23, 2013 customers may request, free of charge, digital adapters and remote controls. Beginning January 1, 2015 each digital adapter will cost 99¢ monthly. Customers affected are those without a digital set top box or digital televisions. The Selectmen, also the licensing authority, will look into the contract to see what options are available to customers currently without digital capability.

8. **ADJOURN:** Ms. Patton moved to adjourn at 9:46pm. Mr. Rempell seconded and the motion carried 5-0-0. The next Selectmen meeting is Monday, July 22, 2013 at 7:00 p.m.

Respectfully submitted,

Jane Patton, Secretary